

SENATE, No. 1491

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED MARCH 2, 2006

Sponsored by:

Senator JOHN H. ADLER

District 6 (Camden)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

Senator Bucco

SYNOPSIS

Authorizes bars and restaurants to offer special discounts based on sex under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/14/2006)

1 AN ACT concerning the "Law Against Discrimination" and
2 supplementing P.L.1945, c.169.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Notwithstanding the provisions of the "Law Against
8 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), to the contrary,
9 the holder of a plenary retail consumption license issued pursuant to
10 R.S.33:1-12 may charge de minimis differential pricing for
11 alcoholic beverages and offer other special discounts to patrons
12 based on sex, provided that such pricing is for economic reasons
13 only.

14
15 2. This act shall take effect immediately.

16
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18 STATEMENT

19
20 This bill provides that the holder of a plenary retail consumption
21 license issued pursuant to R.S.33:1-12 may charge de minimis
22 differential pricing for alcoholic beverages and offer other special
23 discounts to patrons based on sex, provided that such pricing is for
24 economic reasons only.

25 This is in response to the June 1, 2004 ruling by the Division on
26 Civil Rights declaring "Ladies' Night" at a Cherry Hill restaurant,
27 the Coastline, discriminatory against men. See David R. Gillespie v.
28 J.C.B.C., Inc. d/b/a Coastline Restaurant, Division on Civil Rights,
29 OAL Docket No. CRT 2579-03 (June 1, 2004).

30 In the case, the Division on Civil Rights held that the regularly
31 scheduled "Ladies' Night" promotions at the Cherry Hill restaurant
32 violated the LAD as an impermissible differential treatment based
33 on gender. During "Ladies' Night" at the restaurant, women
34 received free admission and discounted drinks, while men had to
35 pay the regular \$5.00 admission fee and pay full price for drinks.
36 The Division made its ruling, despite the fact that the restaurant
37 offered similar discounts offered only to men on other nights,
38 opining that the restaurant's "policy of discriminating against men
39 can in no way be justified by subsequent discriminatory acts that
40 disfavor women." Id.